

REMARKS

I. INTRODUCTION

Applicants gratefully acknowledge the Examiner's indication that previously-pending claims 1-62, 64-80 and 96-112 would be allowable if the outstanding rejections of these claims under 35 U.S.C. § 112, first paragraph is addressed. (See Final Office Action dated October 15, 2009, p. 3, Ins. 10-19).

Claims 81-93 and 107 have been cancelled, without prejudice. In particular, these claim have been cancelled without prejudice in response to the Examiner's request for a cancellation of previously-pending claims 81-93 as being directed to non-elected subject matter. Applicants reserve the right to pursue the subject matter of any cancelled claims in one or more continuing applications which claim priority from the present application and any application(s) from which the present application claims priority.

Claims 1-5, 7-9, 13-24, 32-34, 39-49, 54, 56-59, 64-71, 78-80, 100-104, 108, 109 and 112 have been amended above to remove minor inconsistencies therefrom and to address the Examiner's objections thereto contained in the Final Office Action, but not due to any issue relating to patentability thereof.

Accordingly, claims 1-62, 64-80, 96-106 and 108-112 are now under consideration in the above-referenced application. Provided above, please find a claim listing indicating the current cancellation of claims 81-93 and 107, and the amendments to previously-pending claims 1-5, 7-9, 13-24, 32-34, 39-49, 54, 56-59, 64-71, 78-80, 100-104, 108, 109 and 112 on separate sheets so as to comply with the requirements set forth in 37 C.F.R. § 1.121. It is respectfully submitted that no new matter has been added.

II. INFORMATION DISCLOSURE STATEMENT

In the latest Office Action, the Examiner states that certain references filed with the Information Disclosure Statement of November 10, 2008 as allegedly not including the complete digits of the U.S. Patent Publication numbers associated therewith or being incomplete. Accordingly, Applicants are submitting herewith another PTO-1449 form citing the documents which Applicants believe may have been referred to by the Examiner as being allegedly deficient, which has not addressed such purported deficiencies.

Applicants respectfully request the Examiner to acknowledge the receipt of all these reference by initialing the enclosed PTO-1449 form, and returning it to Applicants' representatives in the next communication.

III. OBJECTION TO DRAWINGS AND CLAIMS SHOULD BE WITHDRAWN

In the Office Action Summary, the Examiner apparently indicated that the drawings still stand objected to. It appears that this was an inadvertent indication, as Applicants believe that any objections to the drawings have been obviated pursuant to the filing of the prior response. Indeed, no further objection to the drawings is contained in the current Final Office Action.

IV. REJECTION UNDER 35 U.S.C. § 112 SHOULD BE WITHDRAWN

Claims 1-62, 64-80 and 96-112 stand finally rejected under 35 U.S.C. § 112, first paragraph as being allegedly non-enabling. In particular, the Examiner states that "claims consistently recite 'at least one' first, second, third, et al. arrangement, electromagnetic radiation, dual balanced receiver, polarization diverse receiver, and so on."

(Final Office Action dated October 15, 2009, p. 3, Ins. 1-3). However, the Examiner then contends that he “only finds enablement in the specification for one of each first, second, third, et al. arrangement, electromagnetic radiation, dual balanced receiver, polarization diverse receiver, and on as in each individual embodiment as set forth in the specification.” (*Id.*, p. 3, Ins. 3-6). While the Examiner admits that the specification explicitly provides the disclosure for such subject matter therein in the “Summary” section, but contends that such disclosure is deficient. (See *id.*, p. 4, Ins. 16-22).

While Applicants wholly disagree with the Examiner's position and reasons regarding the final § 112, first paragraph, rejections, currently pending independent claims 1, 20, 21, 45, 46, 69, 71, 79 and 80, and the claims which depend therefrom, as applicable, have been amended above to expedite the issuance of the present application, but not for any reasons relating to patentability thereof. In particular, these claims have been amended to recite “a first arrangement”, “a second arrangement”, “a third arrangement”, etc., “a first electro-magnetic radiation”, “a second electro-magnetic radiation”, etc., “a dual balanced receiver”, “a polarization diverse receiver”. Applicants respectfully assert that one or more first, second, third, et al. arrangements, electromagnetic radiations, dual balanced receivers, polarization diverse receivers, etc. are certainly covered by the presently-pending claims of the present application.

Applicants reserve the right to pursue the subject matter of the claims as pending prior to the current amendments to such claims as provided herein above in one or more continuing applications which claim priority from the present application and any application(s) from which the present application claims priority.

Accordingly, Applicants respectfully assert that for at least the reasons as set forth herein above, the 35 U.S.C. § 112, first paragraph rejection of pending claims 1-62, 64-80, 96-106 and 108-112 should be withdrawn.

V. CONCLUSION

In light of the foregoing, Applicants respectfully submit that pending claims 1-62, 64-80 and 96-112 are in condition for allowance. Prompt consideration, reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: January 8, 2010



Gary Abelev
Patent Office Reg. No. 40,479

DORSEY & WHITNEY, L.L.P.
250 Park Avenue
New York, New York 10177

Attorney(s) for Applicant(s)
(212) 415-9371